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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,782	07/21/2003	Paul K. Meeker	20341-72797	6096
23643	7590	06/18/2004	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			CHIN SHUE, ALVIN C	
			ART UNIT	PAPER NUMBER
			3634	
DATE MAILED: 06/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,782

Applicant(s)

MEEKER, PAUL K.

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-16, 18-20, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 11, 17 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,5,7-9,13,15,16,18,19 and 23 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Pollock. Pollock shows biasing means 50,50'.

Claims 6 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Weaver. Weaver shows a brace 26,27.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver in view of Pollock. Weaver shows the claimed ladder with the exception of the biasing means. Pollock shows a biasing means 50,50'. It would have been obvious to one of ordinary skill in the art at the time the invention was

made to provide the ladder of Weaver with a biasing means, in lieu of his brace, for stabilizing his ladder.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollock in view of Bufogle. Pollock shows the claimed ladder with the exception of the over center linkage. Bufogle shows an over center linkage at 22,23,27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Pollock with an over center linkage, in lieu of his, as taught by Bufogle, for spreading his leg units. Furthermore, Pollock's linkage is an over center linkage although he is silent on the naming of his linkage as the construction of his linkage is commonly known as over center locking linkage.

Claims 4,10,20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollock in view of Rowe and Kehrer. Pollock shows the claimed ladder with the exception of the cables being arranged in a back-to-back connected V-shaped forming an X-shape with each cable having their respective ends connected to a respective leg unit. Rowe shows a brace with separate links 10,11 being formed into an X-shape formed by back-to-back connected V-shape links 10,11 with both ends of a respective link being connected to a respective leg unit. Kehrer shows a middle portion cable connector with a sleeve 48 for connecting a

pair of back-to-back cables 22,24 to allow both ends of a respective cable to extend in a same direction. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cables 50,50' of Pollock to be arranged, as taught by Rowe to enable both ends of a respective cable to be attached to a respective leg unit, and for the middle portions of the cables to comprise a cable connector, as taught by Kehrer, for connecting the apex of the modified back-to-back V-shaped cables of Pollock.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pollock, Rowe and Kehrer as applied to claim 10 above, and further in view of Hood and Kehrer. Hood shows brace links d,d' with their ends connected through apertures in the legs and comprising end blockers to prevent withdrawal. Kehrer further shows cable end blockers 43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pollock to connect the ends of his cables to apertures in his legs, as taught by Hood, and to comprise cable end knots, as taught by Kehrer, to prevent withdrawal from the apertures as an economical connection means by the elimination of his connectors shown in figs. 6-13.

Claims 11,17 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alvin C. Chin-Shue

Alvin Chin-Shue
Primary Examiner